

Eric J. Sinrod
Lina M. Brenner
DUANE MORRIS LLP
One Market, Spear Tower, Suite 2000
San Francisco, CA 94105-1104
Telephone: 415.957.3000
Facsimile: 415.957.3001
E-mail: EJSinrod@DuaneMorris.com
*Attorneys for Defendant
IKON Office Solutions, Inc.*

John G. Hursh
Karen Elizabeth Wentzel
Dorsey & Whitney LLP
1717 Embarcadero Road
Palo Alto, CA 94303
650 857-1717
Fax: 650 857-1288
Email: eFilingPA@dorsey.com
*Attorneys for Plaintiffs
David Martin, Michael Reynolds, Bette Bahni, and Angela Uribe*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**CANON BUSINESS SOLUTIONS -
NEWCAL, INC., a California
Corporation;
DAVID MARTIN, an individual;
MICHAEL REYNOLDS, an individual;
BETTE BAHNI, an individual, and
ANGELA URIBE, an individual,**

Plaintiffs,

v.

**IKON OFFICE SOLUTIONS, INC.,
an Ohio Corporation; and
DOES 1 THROUGH 100,**

Defendants.

Case No.: CV 08-5745 JW

**STIPULATED REQUEST FOR ORDER
CONTINUING CASE DEADLINES
PENDING SETTLEMENT
CONFERENCE**

AND [PROPOSED] ORDER

Rule 26(a) Initial Disclosures:

**Original Date: May 18, 2009
Continued Date: July 21, 2009**

Joint Rule 26(f) Report:

**Original Date: May 18, 2009
Continued Date: July 28, 2009**

Case Management Statement:**Original Date:** May 22, 2009**Continued Date:** August 4, 2009**Motion to Dismiss or Stay Briefing:****Opposition Brief:****Original Date:** May 18, 2009**Continued Date:** July 27, 2009**Reply Brief:****Original Date:** May 22, 2009**Continued Date:** August 3, 2009**Motion to Dismiss or Stay Hearing:****Original Date:** June 8, 2009**Original Time:** 9:00 am**Continued Date:** August 17, 2009**Continued Time:** 9:00 am**Case Management Conference:****Original Date:** June 8, 2009**Original Time:** 10:00 am**Continued Date:** August 17, 2009**Continued Time:** 10:00 am

The Parties are currently scheduled to exchange their Rule 26(a) Initial Disclosures and file a Joint Rule 26(f) Report by May 18, 2009. The Case Management Statement is currently due on May 22, 2009, and a Case Management Conference is currently set for June 8, 2009. The Motion of Defendant IKON Office Solutions, Inc. to dismiss or, in the alternative, to stay, the claims of Plaintiffs Uribe, Reynolds, and Martin (and the claims of Canon Business Solutions – NewCal, Inc. that are derivative of the claims alleged by Uribe, Reynolds, and Martin) (“IKON’s Motion to Dismiss or Stay”) is currently scheduled for hearing before this Honorable Court on June 8, 2009 at 9:00 a.m.

The basis for IKON’s Motion to Dismiss or Stay is, in part, that an earlier-filed case, *IKON Office Solutions Inc. v. Angela Uribe, Michael Reynolds, David Martin*, [and now also] *Oscar Erazo, Noor Jabbar, and Daniel Eade*, Civil Action No. 08-CV-5829 (CMR), is already pending in the United States District Court for the Eastern District of Pennsylvania (the “Pennsylvania Federal Court Action”).

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1 One other continuance was previously granted continuing the date of the Case Management
 2 Conference and the hearing on IKON's Motion to Dismiss or Stay from April 13, 2009 to June 8,
 3 2009.

4 The Court in the Pennsylvania Federal Court Action has ordered the parties to that action to
 5 participate in a settlement conference. That settlement conference has now been set by the
 6 Pennsylvania Federal Court for June 30, 2009, later than previously anticipated by the Parties when
 7 the Court granted the prior continuance. The settlement conference in the Pennsylvania Federal
 8 Court Action may narrow or eliminate the issues before this Court. Accordingly, the Parties to the
 9 above-captioned action jointly agree to continue the deadlines in this matter until after the settlement
 10 conference, and respectfully request that the Court order the same.

11 Specifically, the Parties jointly request that deadlines in this matter be continued to reflect the
 12 following:

13 The Parties shall exchange Rule 26(a) Initial Disclosures by July 21, 2009.

14 The Parties' Joint Rule 26(f) Report shall be filed with the Court by July 28, 2009.

15 The Parties shall file a Case Management Statement by August 4, 2009.

16 IKON's Motion to Dismiss or Stay shall be heard on August 17, at 9:00 a.m., or as
 17 soon thereafter as this matter may be heard, in Courtroom 8, before the Honorable James Ware,
 18 located at 280 S. 1st Street, Fourth Floor, San Jose, California 95113. Plaintiffs' opposition to the
 19 Motion to Dismiss or Stay, and IKON's reply brief, shall be served and filed in advance of the
 20 scheduled hearing date pursuant to Civil Local Rule 7-3.

21 A Case Management Conference shall be held on August 17, at 10:00 a.m., or as soon
 22 thereafter as is convenient for the Court.

23 In accordance with Civil Local Rules 6-1 and 6-2, the parties hereby submit this Stipulated
 24 Request, and the Declaration of Lina M. Brenner in support thereof, seeking an order granting: (1)
 25 continuance of the date for the Parties' exchange of Rule 26(a) Initial Disclosures from May 18,
 26 2009 to July 21, 2009; (2) continuance of the date for the Parties' filing of their Joint Rule 26(f)
 27 Report from May 18, 2009 to July 28, 2009; (3) continuance of the Case Management Statement due
 28 date from May 22, 2009 to August 4, 2009; (4) continuance of the hearing on IKON's Motion to

1 Dismiss or Stay from June 8, 2009 to August 17, 2009, with a commensurate continuance of the
2 filing deadlines for all opposition and reply briefs to July 27, 2009 and August 3, 2009, respectively,
3 pursuant to Civil Local Rule 7-3; and (5) continuance of the Case Management Conference from
4 June 8, 2009 to August 17, 2008, or as soon thereafter as is convenient for the Court.

5 The Parties believe that the requested continuance will not unduly impact the current
6 schedule in the case, as the case is in its beginning stages, and will serve the interests of judicial
7 economy.

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9 Respectfully submitted,

10 Dated: May 14, 2009

DUANE MORRIS LLP

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12 By: _____/s/
13 Lina M. Brenner
14 Attorneys for Defendant
15 IKON Office Solutions, Inc.

DORSEY & WHITNEY LLP

16 By: _____/s/
17 John G. Hursh
18 Karen Elizabeth Wentzel
19 Attorneys for Plaintiffs

20 **ORDER**

21 The date for the Parties' exchange of Rule 26(a) Initial Disclosures is hereby continued to
22 July 21, 2009.

23 The date for the Parties' filing of their Joint Rule 26(f) Report is hereby continued to July 28,
24 2009.

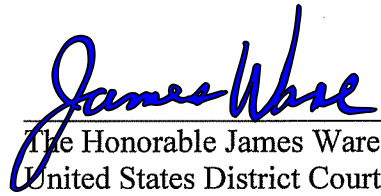
25 The date for the Parties' filing of the Case Management Statement is hereby continued to
26 **June 26, 2009.**

27 The hearing regarding IKON's Motion to Dismiss Or Stay is hereby continued to
28 **July 6, 2009 at 9 a.m.** with Plaintiffs' Opposition due on June 15, 2009 and Defendant's Reply
due on June 22, 2009.

1
2 The Case Management Conference is hereby continued to **July 6, 2009 at 10 a.m.**

3 IT IS SO ORDERED.

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5 Date: May 20, 2009

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The Honorable James Ware
United States District Court